

CONTINUATION RE:

Johnny FRANCO-Guzman

GFN

PROBABLE CAUSE STATEMENT

On Wednesday July 30, 2008 Border Patrol Agent J. A. Felix was conducting assigned linewatch duties in the area known as "Sony Split." This area is approximately six miles east of the San Ysidro, California Port of Entry and approximately fifty yards north of the United States/Mexico International Boundary Fence.

At approximately 7:00 p.m., Agent Felix responded to a call via his service radio from the Remote Visual Surveillance System operator, of three subjects on top of the secondary U.S./Mexico International Boundary Fence climbing down and running north. This area contains concertina wire on top of the secondary fence. After a thorough search of the area Agent Felix noticed three subjects in a tree approximately 150 yards north of the U.S./Mexico International Boundary Fence. Agent Felix approached the three subjects and noticed that their hands were bleeding and their clothes were cut.

Agent Felix identified himself to each individual as a Border Patrol Agent and questioned each subject as to his citizenship. All of the subjects, including one subject later identified as the defendant **Johnny FRANCO-Guzman**, stated to Agent Felix they are citizens and nationals of Mexico not in possession of the proper immigration documents that would allow them to enter or remain in the United States legally. At 8:05 pm Agent Felix arrested the defendant and the others and they were transported to the Imperial Beach Border Patrol Station for processing.